

REMARKS

By the present amendment, claims 1 and 12 have been amended. Claims 1-12 remain pending in the present application. Claims 1 and 12 are independent claims. Applicant requests reconsideration and allowance in view of the foregoing amendments and the following remarks.

Information Disclosure Statement

1. The Information Disclosure Statement (IDS) filed June 24, 2003 is objected to because it allegedly fails to comply with 37 C.F.R. § 1.98(a)(2). In particular, on page 2, item 3, of the Office Action, the Office asserts that 37 C.F.R. § 1.98(a)(2) "...requires a legible copy **(translation)** of each cited foreign patent document..." (emphasis added). The Examiner also indicated in a note on the left margin of the PTO/SB/08A form that the "IDS form has not been considered by the Examiner. The foreign patent document #JP 11-203189 does not provide(d) **a full translation of the foreign patent**" (emphasis added).

Applicant respectfully submits that the IDS filed June 24, 2003 fully complied with 37 C.F.R. § 1.97 and 37 C.F.R. § 1.98, and should have been considered by the Examiner. Applicant provided a legible copy of Japan Patent Application Publication No. 11-203189 A (Japan '189) with the IDS, an English abstract of Japan '189 with the IDS, and a concise explanation of Japan '189 was provided on pages 1-3 of the present specification. 37 C.F.R. § 1.98(a)(2) does not require a TRANSLATION of each cited foreign patent document. Furthermore, MPEP Section 609.04(a) explains that translations are not required to be filed, and

when "no translation is submitted, the examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches." See MPEP Section 609.04(a)(II). In any event, in order to expedite consideration of Japan '189 by the Office, Applicant has attached another PTO/SB/08A form listing Japan '189 and the English abstract. The Examiner is respectfully requested to consider Japan '189 and return an initialed copy of the attached PTO/SB/08A form.

35 U.S.C. § 102(e) Rejection based on Carley

2. Claims 1, 2, and 4-12 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Carley (U.S. Patent No. US 6,701,345 B1). Applicant respectfully traverses this rejection.

Amended independent claims 1 and 12 recite, respectively, an information processing system and method for processing unit data including a plurality of information elements partitioned at predetermined divisions. The system and method each recite a division processing section, a condition determination section, and a notification section. The division processing section divides the unit data into the plurality of information elements based on structural patterns within the unit data that are used to display the information elements included in the unit data. The condition determination section is supplied with a select condition, and selects the

information element conformable to the select condition from among the plurality of information elements obtained by dividing the unit data. The notification section notifies a user of the information element selected by the condition determination section.

One characteristic of the present invention is how to decide the divisions of the plurality of information elements (e.g., mail magazines) included in the unit data. In the present invention, the divisions of information elements are decided based on structural patterns within the unit data that are used to display the information elements included in the unit data. The reference "DL" shows the example of the divisions in Fig. 2. The present specification describes this division, for example, from page 12, line 16, to page 13, line 2. Each information element is divided with separators, and the separators are used when displaying on a display.

In contrast, Carley describes providing a notification when a plurality of users are altering similar data in a health care solution environment. An instruction for initiating a load process is received from a user station. Data is downloaded from the one of the user stations to the server. A determination is made whether another load process is being concurrently executed by another user station. If it is determined that a load process is being concurrently executed, a notification is sent to the user station. A notification is also sent to the user station that initiated the concurrently executing load process. At least one of the load processes is suspended upon detecting the concurrently executed load process. At least one of the load processes may be allowed to continue upon receiving a command to continue from the user station associated with the suspended load process.

The Office relies on diagram 506 in Fig. 5 of Carley for satisfying the claimed division processing section. Carley describes in col. 5, lines 44-48, that the data is divided into divisible portions that are checked in operation to validate that the data includes certain content. Applicant respectfully submits that Carley nowhere describes or reasonably suggests dividing the data based on structural patterns within the data that are used to display the information elements included in the unit data. Carley therefore fails to anticipate claim 1 or claim 12 under 35 U.S.C. § 102(e) because there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. The application of Carley by the Office fails to meet this criteria, and claims 1 and 12 are allowable over Carley.

Claims 2 and 4-11 are allowable as being dependent from an allowable claim.

Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1, 2 and 4-12 under 35 U.S.C. § 102(e) as being anticipated by Carley.

35 U.S.C. § 103(a) Rejection based on Carley and Conklin

3. Claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Carley in view of Conklin (U.S. Patent No. US 6,338,050 B1). Applicant respectfully traverses this rejection.

Claim 3 depends from claim 1 and is allowable as being dependent from an allowable claim.

Further, Conklin describes a system and method for providing and updating user supplied context for a negotiations system. Conklin fails to supplement the deficiencies of Carley because Conklin fails to teach or reasonably suggest dividing data based on structural patterns within the data that are used to display the information elements included in the unit data.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Carley in view of Conklin.

Conclusion

4. All of the stated grounds of rejection have been properly traversed. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Application No. 10/602,032
Art Unit 2163

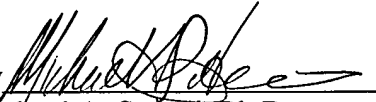
Docket No. 31759-190419
Customer No. 26694

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

March 17, 2006

Respectfully submitted,

By 
Michael A. Sartori, Ph.D.
Registration No.: 41,289
Thomas C. Schoeffler
Registration No.: 43,385
VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998
Attorney/Agent for Applicant

MAS/TCS